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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,050	11/18/2003	Randall A. Addington	1031011	1049

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JOEL I ROSENBLATT
445 11TH AVENUE
INDIALANTIC, FL 32903

EXAMINER

WELCH, GARY L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,050

Applicant(s)

ADDINGTON ET AL.

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 7-9 are difficult to see the individual elements being presented. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: It is requested that the following changes be made:

Page 11, line 18: Request the Brief Description of the Drawings for Figure 2 to be a separate paragraph.

Page 12, line 2: Request the Brief Description of the Drawings for Figure 3 to be a separate paragraph.

Page 12, line 8: Request the Brief Description of the Drawings for Figure 3a to be a separate paragraph.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8 require an adjustable tensioning strap and support straps, first means for applying tension force to a bowler's finger and second means for applying force against the first means. Is the first means the adjusting strap and is the second means the support straps?

Claims 2-7 and 9-17 depend from rejected claims 1 and 8 respectively and are therefore rejected accordingly under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

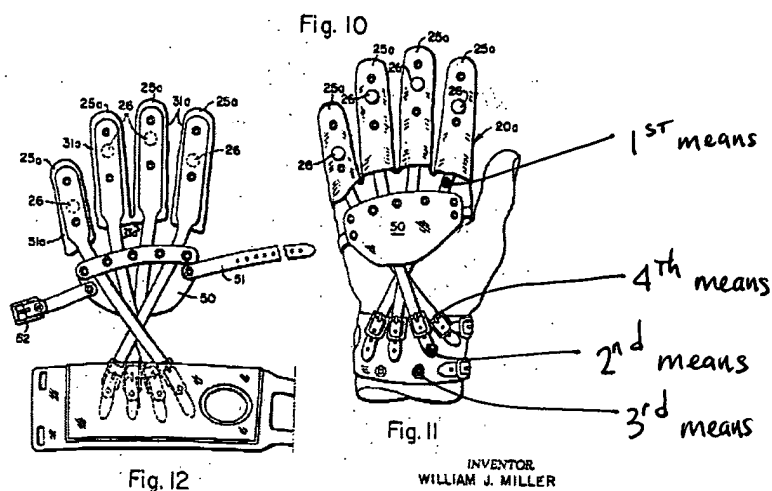
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 3, 6-12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (U.S. 3,333,850).

Miller discloses a bowler's glove 20 covering the bowler's middle finger and hand and proximate the bowler's wrist. The glove 20 includes an adjustable tensioning strap 52 to adjust the middle finger into a curved position and support straps (50; see figure below) placed across the tension strap 52. First means 52 for applying tension force to a bowler's finger for forcing the finger into an adjusted curved position, second means (see figure below) for applying a force against the

first means for retaining the first means substantially against the finger and wherein the second means includes a third means (see figure below) for supporting the force against the first means is provided. Note: Adjusting (or tightening) the strap of the middle finger with respect to the other straps will make the middle finger curve concavely.



With regard to claim 2, the third means includes fourth means (54; see figure above) for fastening the third means to the second means.

With regard to claim 3, rivets are used to connect the third means to the second means.

With regard to claim 6, the third means includes means to apply the force at a plurality of locations proximate to the first means.

With regard to claim 7, the third means includes means to apply the force transverse to the first means.

With regard to claim 8, Miller discloses a system in a bowler's glove 20 covering the middle finger and hand, proximate the bowler's wrist and including a

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tensioning strap 52 to adjust the middle finger into a curved position and support straps (50; see figure above) placed across the tension strap to support a force against the tension strap 52 comprising a tension strap mounted in a bowler's glove between the fingers and wrist and at least one support strap attached to the glove and mounted in opposition to the tension strap.

With regard to claim 9, at least one support strap is mounted at an angle to the glove.

With regard to claim 10, at least one support strap is mounted transverse to the tension strap to develop a force opposed to the tension strap and directed against the glove.

With regard to claim 11, at least one fastener is provided to connect at least one support strap to the glove.

With regard to claim 12, the at least one fastener is a rivet.

With regard to claim 18, the method steps are disclosed in one or more of the above rejected claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. 3,333,850).

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Miller discloses the invention substantially as claimed above.

However, Miller does not disclose that the fourth means includes bonding the second means to the third means.

Miller (Col. 4, lines 6-9) states that alternative fastening means such as snaps or ties can be used in lieu of buckles for attaching the second means to the third means. It is well known in the art that various types of fastening mechanisms are functionally equivalent. Hook and loop, rivets, button and buttonhole, hook and catch, stitching, snaps and adhesive bonding are a few examples. These fasteners may be used interchangeably depending upon the desired aesthetic effect. Further, the specification does not give an indication of why the rivets would be desirable over another fastener type.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the rivets with bonding or stitching in order to secure the second means to the third means since bonding is functionally equivalent to rivets and other fastening mechanisms.

With regard to claims 5, 13, 14, the invention is disclosed above.

With regard to claim 15, a plurality of support straps are mounted in a plurality of separate locations.

With regard to claim 16, the plurality of locations include at least one location opposed to the glove palm.

With regard to claim 17, the plurality of locations include at least one location opposed to the glove middle finger.

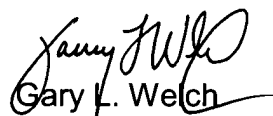
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Willard '851, Barry '337, Skuse '749, Bazar '306, Stubbs '436, Gallagher '657, Jackson '525 and Morse '426 disclose various bowling gloves for aiding the bowler with lift.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw